

77-O-16

AN ORDINANCE

**Amending Portions of the City Code Creating a
“Housing, Homelessness, and Human Relations Commission”**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: Legislative Statement. This Ordinance consolidates the Human Relations Commission, the ADA Advisory Committee, and the Housing and Homelessness Commission to more effectively and efficiently utilize the City’s resources. The City of Evanston has a Human Relations Commission whose primary function is to improve the human relations within the City; an ADA Advisory Committee that advises the City in pursuing its ongoing commitment to make the City and its programs, services, and activities accessible to all individuals, including individuals with disabilities; and a Housing and Homelessness Commission that is responsive to the needs for change in housing related matters to the end of maintaining a diverse residential environment and to conserve property values within the community and combat homelessness. The City Council determines that it is in the best interest of the City to combine all three boards and commissions into a Housing, Homelessness, and Human Relations Commission.

Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164). Pursuant to 65 ILCS 5/1-2-1, the City

may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City's home rule powers. At meetings held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), the City Council considered this Ordinance, heard public comment, and made findings. It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (*see Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747(1991)) and is not subject to courtroom fact-finding (*see National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (1995)).

The City Council finds that creating a more efficient and effective local government by reducing the number of boards and commissions while maintaining high standards are a priority within the City of Evanston. The City Council desires to amend the City Code to combine the functions of the Human Relations Commission, ADA Advisory Committee and the Housing and Homelessness Commission into a newly established Housing, Homelessness, and Human Relations Commission.

SECTION 2: Title 2, Chapter 4 of the Evanston City Code of 2012, as amended ("City Code"), is hereby deleted in its entirety and shall read as follows:

CHAPTER 4 – HOUSING, HOMELESSNESS, AND HUMAN RELATIONS COMMISSION

2-4-1: PURPOSE.

In order to protect and promote the public health, safety, and welfare of the residents, the City Council establishes a Housing, Homelessness, and Human Relations Commission ("Commission") to provide for the planning, expansion, maintenance, conservation and rehabilitation of Evanston's housing stock and to be responsive to needs for change in housing related matters to the end of maintaining a diverse residential environment and to conserve property values within the community and to combat homelessness. It is further found that the Commission is necessary to monitor and maintain compliance with fair housing and other protections afforded to any

individual with a disability or who is a member of a protected class.

2-4-2: MEMBERSHIP.

The Commission consists of nine (9) members who serve without compensation and are residents of the City of Evanston. The members must include the following:

- (A) One (1) member who resides in a rental unit in Evanston;
- (B) One (1) member who is a landlord that owns at least one (1) multi-family building in Evanston;
- (C) One (1) member of a protected class or who has a background or experience in human rights, fair housing, environmental justice or similar areas;
- (D) One (1) member who is able to adequately represent the housing needs of seniors; and
- (E) One (1) member who is an Alderman.

2-4-3: TERM.

Commission members are appointed to three (3) year terms by the Mayor with the advice and consent of the City Council. Non-aldermanic members may serve for not more than two (2) full terms.

2-4-4: POWERS AND DUTIES.

In carrying out its responsibilities, the Commission must:

- (A) Evaluate and recommend tools to expand or maintain affordable housing to the Planning and Development Committee;
- (B) Provide recommendations on the use of the City's Affordable Housing Fund dollars to the Planning and Development Committee;
- (C) Provide recommendations on the use of the City's HOME Investment Partnerships Program ("HOME") funds to the Planning and Development Committee;
- (D) Provide recommendations on the use of the City's Emergency Shelter Grant Program ("ESG") funds to the Human Services Committee;
- (E) Oversee the implementation of the City's Inclusionary Housing Ordinance;
- (F) Monitor and review information on cases of discrimination in Evanston that are directed at members of any of the protected classes under federal, state, county or local law;
- (G) Ensure a referral process for discrimination complaints to the Illinois Department of Human Rights ("IDHR") and the United States Department of Housing and Urban Development ("HUD"), as appropriate;
- (H) Fund priority programs and projects that help to preserve and create affordable housing, promote fair housing, and address the needs of the homeless;

- (I) Submit an annual report to City Council on the goals, activities and accomplishments of the Commission; and
- (J) Create subcommittees, as necessary, in furtherance of the Commission's purpose.

2-4-5: ADOPTION OF RULES; SELECTION OF A CHAIRPERSON.

The Commission must annually elect a Chairperson from among its members. The Commission must also adopt rules and regulations necessary to exercise its responsibilities.

SECTION 3: Title 2, Chapter 12 of the City Code, "ADA Advisory Board," is hereby deleted in its entirety and intentionally left blank.

SECTION 4: Title 5, Chapter 6 of the City Code, "Evanston Housing and Homelessness Commission," is hereby deleted in its entirety and intentionally left blank.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall be in full force and effect on January 1, 2017.

SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: July 12, 2016

Adopted: July 25, 2016

Approved:

August 1, 2016

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel